

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MARTIN MARTINEZ,

Petitioner,

v.

No. 12-cv-932 JCH/RHS

STATE OF NEW MEXICO,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

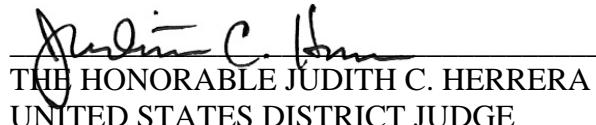
THIS MATTER comes before the Court on the Magistrate Judge's Report and Recommendation (Doc. 11), filed April 30, 2013, which recommends dismissal of Petitioner Martin Martinez's Amended Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 By A Person In State Custody (Doc. 6). The time for filing objections expired. No objections have been filed.

The Court has made a *de novo* determination and agrees with the Magistrate Judge's Report and Recommendation, and will deny Petitioner's 28 U.S.C. § 2254 Application, and dismiss this civil proceeding with prejudice.

IT IS HEREBY ORDERED that the Report and Recommendation of the Magistrate Judge (Doc. 11) is adopted by the Court.

IT IS FURTHER ORDERED that the Amended Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 By A Person In State Custody (Doc. 6) is **denied** and this civil proceeding is **dismissed with prejudice**.

SO ORDERED June 7, 2013.



THE HONORABLE JUDITH C. HERRERA
UNITED STATES DISTRICT JUDGE